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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

No. CR 13-00765 SI

12 Plaintiff,

**ORDER RE DEFENDANT'S MOTION
TO CLARIFY**

13 v.

14 EUGENE HILL,

15 Defendant.
16 _____/

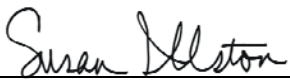
17 On February 10, 2014, the Court issued an Order denying defendant Eugene Hill's motion to
18 suppress. Defendant Hill then filed a motion seeking "clarification regarding whether the Court's order
19 upholding the warrantless search of the backpack as an inventory search also applies to the warrantless
20 seizure of the backpack." Defendant Hill thus seeks clarification of whether this Court held that the
21 warrantless seizure of the defendant's backpack was valid under the inventory search exception to the
22 Fourth Amendment.

23 Although the Court did not use the word "seizure" in its previous Order, the Court explicitly held
24 that the deputy was justified in her decision to book the backpack into the Property Room – that is, to
25 seize it. *See* Order Denying Motion to Suppress, Dkt. No. 24, at 8 ("Under the circumstances of this
26 case, it is difficult to imagine what choice Deputy Lomas had other than to book the backpack into the
27 Property Room. . . . It would have been irresponsible of Deputy Lomas, and a derogation of her duty
28 as a law enforcement officer, to leave the backpack with Mr. Vanscoyk."). Accordingly, the Court now

clarifies that its prior Order encompasses both the search and seizure of the backpack, and holds that both are valid under the inventory search exception to the Fourth Amendment's warrant requirement.

IT IS SO ORDERED.

Dated: February 26, 2014



SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE